1947. File No. Prevention of Corruption VII/47

Legal DEPARTMENT
B BRANCH

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Subject:

DM 16/5/56

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Rules and Notification

under

the prevention of corruption Act 1947

File No. Prevention of Corruption VII/47

Std. Sectt. Slip 24 B e.

347-B

GOVERNMENT OF BOMBAY.
Public Works Department,
Order No.
Bombay Castle, May 1947.

Whereas in the years 1946 and 1947 Mr.Laxmichand Hansingh Damany held the office of the Deputy Engineer, Electrical Division, and Assistant Electrical Inspector, Bombay, and as such was a public servant not removable from his office save by or with the sanction of the Government of Bombay;

And whereas on or about the 9th December 1946, the said Mr.Laxmichand Hansingh Damany while acting or purporting to act in the discharge of his official duties obtained gratification other than legal remuneration of rupees forty-five (Rs.45) from one Sardarmal Prithviraj Jain and on or about the 20th December ~~1946~~ 1946 obtained gratification other than legal remuneration of a further sum of rupees sixty (Rs.60), from the said Sardarmal Prithviraj Jain as a reward for getting the plans and specifications for the electrification of the Jamaher Talkies at Kuland approved without delay andfor forbearing from taking any action in regard to the unauthorised electrical installations in the said Jamaher Talkies;

And whereas on or about the 3rd February 1947, the said Mr.Laxmichand Hansingh Damany obtained gratification other than legal remuneration of a further sum of rupees four hundred (Rs.400) from one Sudhakar Monirom Trivedi on behalf of the said Sardarmal Prithviraj Jain for forbearing from taking any action in regard to the said unauthorised electrical installations;

And whereas it appears to the Government of Bombay that the said Mr.Laxmichand Hansingh Damany has thereby committed offences punishable under section 161 of the Indian Penal Code (XLV of 1860) and sub-section (2) of section 5 of

the Prevention of Corruption Act, 1947 (II of 1947);

Now, therefore, in exercise of the powers conferred by clause (b) of section 6 of the Prevention of Corruption Act, 1947 (II of 1947), the Government of Bombay is pleased to grant sanction for the prosecution of the said Mr. Laxmichand Mansingh Lemany for the said offences.

By order of the Governor of Bombay.

Secretary to Government.

LAN/10-5.
4 c.

Office of the H.L.A.

The sanction under section 6 of the Prevention of Corruption Act, 1947 (II of 1947) is to be given by the Provincial Government, whereas the sanction under section 197 of the Code of Criminal Procedure, 1898, is to be given by the Governor exercising his individual judgment. It is therefore undesirable that both sanctions should be given by the same order and it would be rather confusing to amend the order under section 197 of the Code of Criminal Procedure, 1898 already made. I would, therefore, advise a separate additional order under section 6 of the Prevention of Corruption Act, 1947, the requisite draft of which is sent herewith. The said order is in accordance with section 59 (1) of the Government of India Act, 1935, and rule 12 of the Rules of Business.

P. C. signed by the H.L. A.
3d. I. D. and.

Remembrancer of Legal Affairs.
U.N. to I.W.D., No.204 - Confl. dated the 13th May 1947.

[AR/11-5.
5 c.

Office of the R.L.A.

Mr. S.P.Sefai, Textile Inspector, Surat, was appointed by the Collector of Surat and as such he was removable by the Collector. Accordingly his case will not fall under section 197 (1) of the Code of Criminal Procedure, 1898, and no sanction thereunder will be necessary.

Sanction of the Collector will, however, be necessary under clause (c) of section 6 of the Prevention of Corruption Act, 1947 (II of 1947).

Sd. P. M. L.

Remembrancer of Legal Affairs.

U.R. to C.J.D., No. 5010 dated the 10th May 1947.

RAN/11-5.
5 c.

~~Memorandum~~

Office of the R.L.A.

A revised draft of the sanction order is sent herewith.

2. In view of the statement made in the D.C.S.'s note at pp.33-34 ante approved by the Supply Commissioner, the authority competent to give sanction to the prosecution of Messrs. Pagare and Dalal would be the Supply Commissioner. The revised draft provides accordingly.

Sd. D. V. VIAS,

Remembrancer of Legal Affairs.

U.R. to C.S.D., No.7343 dated the 28th July 1947.

KAR/11-8.
Sc.

Prosecution.
Mr.D.M.Pagare, Chief Inspector and
Mr.J.A.Dalal, Inspector under the
Provincial Textile Controller —
Sanction of —

GOVERNMENT OF BOMBAY.
Civil Supplies Department.
Resolution No.673.
Bombay Castle, July 1917.

Letter from the Deputy Commissioner of Police R.O. No.313/A.C.D. of 1917 dated 26th May 1917.

Whereas in the year 1917, Mr. Diwakar Heeji Pagare Assistant and Mr. Phirose Ardeshir Dalal held the offices of the Chief Inspector of Textiles and Inspector of Textiles, respectively under the Provincial Textile Controller, Bombay, and as such were public servants and removable from their offices by the Supply Commissioner and Secretary to Government, Civil Supplies Department;

And whereas the said Mr. Phirose ~~xx~~ Ardeshir Dalal is alleged to have attempted to obtain for himself and for Mr.Diwakar Heeji Pagare illegal gratification of rupees four hundred (-400/-, from one Mr.Vasant Dawlatrao Arolkar as a reward for granting a license for the sale of cloth in the name of Mr.Arolkar's father.

And Whereas on or about the 27th March 1917, the said Mr.Diwakar Heeji Pagare is alleged to have obtained illegal gratification of rupees three hundred from the said Mr.Vasant Dawlatrao Arolkar as a reward for granting such licence;

And Whereas it appears to the Supply Commissioner and Secretary to Government, Civil Supplies Department, that the said Mr.Phirose Ardeshir Dalal has thereby committed offences punishable under sections 161 and 109 of the Indian Penal Code (XLV of 1860 and the said Mr.Diwakar Heeji Pagare has committed an offence under section 161 of the said Code;

Now, therefore, in exercise of the powers conferred

by clause (c) of section 6 of the Prevention of Corruption Act, 1947 (II of 1947), the Supply Commissioner and Secretary to Government, Civil Supplies Department, hereby grants sanction for the prosecution of the said Mr. Khurshed Ardeshir Jalal and Mr. Diwakar Keoji Pejare for the said offences.

Supply Commissioner and Secretary to Government,
Civil Supplies Department.

AM/11-5
5 c.

Office of the A.L.A.

A revised draft sanction order is sent herewith.

2. Mr. Pai in this case can be held liable under section 116 read with section 161 of the Indian Penal Code. The case in 50 All 654 is on all fours with this case. Strictly speaking as section 116 itself creates an offence, no sanction for prosecution under that section would be necessary. However, it may be said that the offence under section 116 is to be read, at least for determining the quantum of punishment with the offence under section 161. For that reason, it is safer to give sanction for the offence under section 116 read with section 161.

3. It is presumed that the Supply Commissioner is competent to remove Mr. Pai from his office and that no sanction of the Provincial Government is required for his removal from office. Before issue of the order the Civil Supplies Department should verify if the presumption is correct.

Ad. P.L.L.
S/D

Remembrancer of Legal Affairs.

U.O. to C.S.D., No.907, dated the 10th September 1947.

MAR/11-9.
5 9.

Prosecution.
Mr. Vasudeo Anant Pai,
Government Grainshop Store Keeper,
Ghatkoper — sanction of —

GOVERNMENT OF BOMBAY.
Civil Supplies Department.
Resolution No. 672.

Bombay Castle, 1947.

Letter from the Deputy Commissioner of Police, Anti-Corruption Branch, C.I.D. No. 1251 of 1947 dated 31st A.C.B.
July 1947.

RESOLUTION.- Whereas in the year 1947 Mr. Vasudeo Anant Pai held the office of the storekeeper in the Government grain shop, No. 214 at Ghatkoper under the Controller of Government Grain Shops in the Civil Supplies Department, Bombay, and as such was a public servant and removable from his office by the Supply Commissioner and Secretary to Government, Civil Supplies Department;

AND AND whereas the said Mr. Vasudeo Anant Pai is alleged to have given an appointment to Messrs. P. V. Rajadhyakshn and M.G. Naidu, Chief and Deputy Chief Inspectors of Rationing, respectively, at a restaurant at Dadar for the purpose of their obtaining an illegal gratification of Rs. 1,000/- as a reward for dropping the inquiry pending against one Jivraj Khetsi, Authorised Retail Distributor No. G.5 at Ghatkoper in regard to certain discrepencies in respect of transactions in the shop of the said Jivraj Khetsi;

AND whereas on or about the 14th July 1947 the said Mr. Vasudeo Anant Pai and Jivraj Khetsi are alleged to have met the said Chief and Deputy Chief Inspectors of Rationing at the appointed time at the restaurant at Dadar for the purpose of paying the said illegal gratification of Rs. 1,000/-;

AND whereas the said Jivraj Khetsi is then alleged to have paid Rs. 400/- in part payment to Mr. M.G. Modiar, Deputy Chief Inspector of Rationing as a reward for dropping the aforesaid inquiry;

AND whereas it appears to the Supply Commissioner and Secretary to Government, Civil Supplies Department that the said Mr. Vasudeo Anant Pai had thereby committed an offence punishable under section 116 read with section 161 of the Indian Penal Code;

NOW, therefore, in exercise of the powers conferred by clause (c) of section 6 of the Prevention of Corruption Act, 1947 (II of 1947) the Supply Commissioner and Secretary to Government, Civil Supplies Department grants sanction for the prosecution of the said Mr. Vasudeo Anant Pai for the said offence.

Supply Commissioner and Secretary to Government.

RAM/11-5.
4 6.